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PEOPLE'S REPUBLIC OF CHINA

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Preface: Chinese women had been fettered by a feudal system that lasted several thousand years. When China was later turned into a semi-feudal, semi-colonial country, the women were not only weighed down by the "three big mountains" of imperialism, feudalism and bureaucratic capitalism, but were also subjected to the domination of political, clan and religious authorities as well as the authority of the husband--- all emanating from the feudal patriarchal clan system. Under such circumstances, the multitudes of women were deprived of all rights in the political, economic, cultural and social fields as well as in the family; 90 percent of them were illiterates; very few of them got jobs; some even had to earn a living by prostitution. They had no freedom of choice in marriage, still less the right to medical and health care. Expected only to wait on their husbands and to reproduce, they lived a life of obedience and humiliation, and their position was no better than that of a slave. Women in those days were tied down by feudal canons such as "man is superior to woman", "Be obedient to the father before marriage, to the husband after marriage and to the son after the death of husband". These standards had a deep-rooted influence on the public.

Since the founding of the People's Republic of China in 1949, however, a new social system has been established, which removed the political and economic bases that sustained restrictions on women, and which abolished all the laws that perpetuated oppression and constraining of women, thus creating the social preconditions for their complete emancipation. In the last 34 years since the birth of New China, the status of the Chinese women has undergone enormous changes. We fully realize from our own experience the significance of signing the "Convention on the Elimination of All Forms of Discrimination against Women." We hold that the underlying principles of the Convention is in agreement with the principle of equality between men and women in all fields as laid down in our Constitution, and that the Convention, with its worldwide significance to the further improvement and enhancement of the status of women, is of practical value to the Chinese women as well. Therefore, the Chinese government has taken a positive attitude towards the adoption of the Convention at Copenhagen, and entrusted Madame Kang Keqing, head of the Chinese Delegation to the 1980 World Conference of the UN Decade for Women, to sign the Convention on behalf of the People's Republic of China. In September of the same year, it was formally ratified by the Standing Committee of China's National People's Congress. Over the last three years, we have made the underlying principles of the Convention known to the public through various channels, and kept up our work of carrying out the Government's principle and policy of ensuring equality of the sexes, so that the provisions of the Convention can in fact

be implemented.

1. Excerpts of the legal provisions concerning the equality between men and women:

The Chinese government has all along attached great importance to equality between men and women in all spheres. The first Constitution of the People's Republic of China adopted in 1954 contain explicit provisions to this effect. The new constitution, which was revised in December 1982 and has come into effect since the beginning of 1983, further stipulates, in unequivocal terms, the general principle of equality between sexes in all aspects of life. So far, it gives the best constitutional guarantee to women's rights and interests.

Article 33 of the Constitution of the People's Republic of China stipulates:

All Citizens of the People's Republic of China are equal before the law.

Article 34:

All citizens of the People's Republic of China who have reached the age of 18 have the right to vote and stand for election, regardless of nationality, race, sex, occupation, family background, religious belief, education, property status, or length of residence, except persons deprived of political rights according to law.

Article 48:

Women in the People's Republic of China enjoy equal rights with men in all spheres of life, political, economic, cultural and social, including family life.

The state protects the rights and interests of women, applies the principle of equal pay for equal work for men and women alike and trains and selects cadres from among women.

Article 49:

Marriage, the family and mother and child are protected by the state.

Both husband and wife have the duty to practise family planning.

Parents have the duty to rear and educate their minor children, and children who have come of age have the duty to support and assist their parents.

Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

The Criminal Code adopted in 1979 provides legal guarantee to the protection of the rights and interests of women. For instance, Article 140 of the Code stipulates that any person who forces a female to prostitution shall be sentenced to 3--10 years imprisonment.

Article 169:

Any person who with a view to gain, inveigles a female into prostitution or keeps a female in custody for that purpose shall be sentenced to imprisonment of 5 years or less. For serious cases, the offender shall be sentenced to imprisonment for 5 years or more and may be subjected to a fine or confiscation of property.

China's Constitution not only lays down the general principle of equality of the sexes, but also makes provisions to ensure the implementation of sexual equality in the fields of education, employment, health care, family relations as well as in respect of treatment of mothers, children and the elderly. This principle is also embodied in the Marriage Law, the Criminal Code and the Labour Insurance Regulations of the People's Republic of

China. All these laws and regulations protect the fundamental interests of women and guarantee the steady improvement of their status in pace with the growth of the nation's socialist construction.

2. Regarding Part II of the Convention on the elimination of discriminations against women in social and political life:

The Chinese women, making full use of their democratic right of equality with men accorded them by the law, participate in the management of state, economic, cultural and social affairs through various channels and in various capacities.

Women of all nationalities in China take an active part in the political life of the country. In the national county-level diract election held in 1981, 95 percent of women eligible to vote participated. They also take an active part in government at all levels, from the central government down to the grassroots. The percentage of women deputies to the people's congresses at various levels has increased with each session. More and more women have been promoted to leading posts in governmental organs. Many ministries in the central government have women for ministers or vice-ministers.

In provinces, municipalities and autonomous regions, many women have been made governors, vice-governors, chairpersons or vice-chairpersons of the standing committees of people's congresses; and still more of them are mayors, county magistrates

and leaders in other capacities. They have fully proved their ability in the management of state affairs.

The All-China Women's Federation (ACWF) is a national mass organization representing all sections of China's female population. It mainly aims at safeguarding the rights and interests of women and children. The ACWF actively participates in the formulation of the Constitution, government policies, decrees and plans and monitors their implementation, brings the voices of the rank-and-file women to the attention of the Chinese Communist Party and the Government, makes proposals on protecting women and children and helps the Government and relevant social forces to promote undertakings for the well-being of women and children. In this process, the ACWF makes an important contribution to the all-round implementation of the principle of equality between men and women.

3. Regarding Part III of the Convention on sexual equality in education, employment and health care:

In the educational field:

Article 46 of the Constitution stipulates:

- Citizens of the People's Republic of China have the duty as well as the right to receive education.

Men and women enjoy an equal opportunity to education. Co-education is universally introduced in schools. Girl students are equal with boy students relating to textbooks, curriculum, teachers, housing and equipment. According to 1981 figures, girls attending regular schools at various levels

amounted to 194,790,000; 93 percent of all school-age children are in school. Female students constituted 43.9 percent of the primary school enrollment, 39.6 percent of the middle school enrollment, and 24.4 percent of the university enrollment. China provides both adult education and regular full-time schooling. Women have equal access as men to TV courses, correspondence courses, staff's and workers' colleges, evening colleges as well as in-service training courses. Diplomas are given to qualified women and men alike. A total of 43,000,000 have graduated from various levels of adult educational institutes and training courses over the last 33 years. Among them, half are women.

The Government specifies in the Sixth Five-Year Plan for the Development of the National Economy (1981-1985) that before 1985, male or female urban working people who are middle school graduates will receive further training by rotation, so that most of them will approach or reach college level. In the countryside, women will not only receive general education, but also training in scientific farming, breeding domestic fowls and animals, braiding, weaving, embroidery and other specialized skills suitable to women to help them improve their techniques in productive activities geared to local resources.

During the 34 years since the founding of the People's Republis of China, Chinese women have steadily raised their cultural level and

improved their skill in production. The number of women scientists and technicians goes up rapidly; at present, they accoutt for one-third of the nation's total. There are around 100,000 women instructors and engineers. In the universities, one-fourth of the faculty are women. Fifteen women scientists, who have made oustanding contributions, are on the Science Council of the Chinese Academy of Sciences.

In employment:

Economic independence and equality are of primary importance to bringing about women's emancipation and equal status in all spheres of life. The Constitution stipulates:

- "Citizens of the People's Republic of China have the right as well as the duty to work." (Article 42)
- "Equal pay for equal work for men and women alike." (Article 48)

There has been a tremendous release of female labor force since the founding of New China. Taking part in social productive labor in large numbers, women now constitute an important force in the nation's economic construction. Today, there are over 39,000,000 urban working women, or 36 percent of the total urgan work force. Apart from the textile industry, various light industries and cultural and educational institutions where women form the bulk of the personnel, they are also active in so-called non-traditional professions. For instance, in oil industry, women occupy 30 percent

of the total staff; in railway industry, 18 percent; in agriculture, forestry, water conservancy and meteorology, 35 percent; in medicine and health, 53.2 percent. China has already trained five generations of aviatrices; many capable women have been promoted factory directors, managers, or chief engineers.

Agriculture is the basis of our national economy. In rural areas, about 150,000,000 women are actively engaged in agricultrue, forestry, animal husbandry, side-occupations, fishery and various other kinds of productive activities. They account for more than half of the rural labor force. The responsibility system which has been in operation in rural areas over the last few years, has provided ample scope for women peasants of all ages to develop fully their potentials. The women's role in rural production under the new managerial system has been found highly conducive to materializing the principle of equal pay for equal work.

In labor protection and maternity and child health care:

The Common Programme adopted by the Chinese People's Political Consultative Conference in 1949 stipulates: Gradually put the labor insurance system into practice;

protect the rights and interests peculiar to young workers and women workers. In China, women workers are entitled to equal benefits, awards and labor protection with men. The Government's labour protection policy gives special attention to women workers, office staff and commune members during four specific periods, namely: menstruation, pregnancy, confinement and breastfeeding. In cities, all working women get paid maternity leave. Pre-natal check-ups as well as delivery are provided free of charge. From the seventh month onward, pregnant women are given lighter gobs and extra work breaks, and do not work on night shift. Two 30-minute paid feeding breaks during working hours are proveded for the mother with a baby under twelve months. In the Hygienic and Sanitary Standards for Industuial Enterprises promulgated in 1979, it is laid down that factories and enterprises should provide their women staff with health care facilities such as shower baths, clinics, rest rooms for expectant mothers, nurseries and etc. Urban working women, after retirement, get a life-long pension ammounting to 60-90 percent of their salary, depending on the length of service. They coutinue to enjoy free medical care.

The government pays great attention to developing child-care services. The last two years witnessed a rapid growth of such services throughout the country. There are now 122,107 kindergartens accommodating 11,130,000 children. These services relieve the working mothers of their household responsibilities and offer better educational facilities.

China has 2,789 maternity and child care institutions, which serve as the core of a nationwide health protection network covering both cities and the countryside, There are hospitals for gynaecology and obstetrics, maternity and child health hospitals and children's hospitals in the large cities. These hospitals, together with departments of gynaecology and obstetrics and departments of padiatrics in general hospitals, provide the local women and children with medical and health care. The maternity and child health clinics at the county and commune levels, and smaller health stations for similar purposes at the production brigade level make up a 3-tier health protection network in rural areas. In recent years, nationwide screenings of gynaecological diseases have been carried out and necessary treatment offered. It is found that cervical cancer remains the main threat in cities, while metroptosis and urethral fistula are the most frequent gynaecological diseases in the countryside. However, 70 percent of the patients

have been cured since the state allocated special funds for free medical treatment of these sicknesses. Meanwhile, peri-natal check-ups are provided on a wide scale. As a result, women's health has improved greatly.

Practising family planning is a basic policy of the state. In view of the plan for national economic development and the size of our population, the Government encourages each couple to have one child only, and provides contraceptives and sterilization surgery free of charge. The only child get health subsidies, the mother enjoys longer paid maternity leave, and the family enjoy priority in housing, medical care and nursery enrollment. Councelling services and in-formation on genetics are available to all married couples who desire birth control, and pre-natal physical examination of the fetus is made in many places to ensure fewer and better children and upgrade the quality of the population.

4. Regarding Part IV of the Convention on Marriage and Family:

The revised Marriage Law was adopted by the Fifth National People's Congress at its Third Session held in September 1980. While the underlying principle of the revised Marriage Law is the same as that of the Law of 1950 in the sense that they both stand for equal status of husband and wife in the home, the amendments and supplements to the 1980 Marriage Law are necessitated by practical experiences gained in the past 30 years and the new situation arising in the recent years. The 1980 Law lays down in Article 2 that "the marriage system based on the free choice of partners, on monogamy and on equal rights for the sexes, is put into effect."

In protecting the lawful rights and interests of women, children and the aged, it is stipulated in detail that:

- "After a marriage has been registered, the woman may become a member of the man's family, or the man may become a member of the woman's family, according to the agreed wishes of the two parties."
- "Husband and wife enjoy equal status in the home." "Husband and wife each has the right to use his or her family name."
- "Both husband and wife have the freedom to engage in production, to work, to study and to participate in social activities" and "are duty bound to practise family planning."
- "Children may adopt either their father's or their mother's family name."
- "The property acquired during the period in which husband and wife are under contract of marriage is in the joint possession of the two parties unless they have agreed otherwise. Husband and wife enjoy equal rights in the management of the property in their joint possession."
- "Husband and wife have the duty to support and assist each other" and they "have the right to inherit each other's property."

- "Parents have the right and duty to subject their children who are minors to discipline and to protect them."

On divorce, it is stipulated that

- "The husband is not allowed to apply for a divorce when his wife is pregnant or within one year after the birth of a child. This restriction does not apply in the case of the wife applying for divorce, or when the people's court deems it absolutely necessary to agree to deal with a divorce application by the husband." (Article 27)
- "In case of divorce, the disposal of the property in the joint possession of husband and wife is subject to agreement between the two parties. In cases where agreement cannot be reached, the people's court should make a judgement after taking into consideration the actual state of the family property and the rights and interests of the wife and the child or children." (Article 31)

These provisions are reliable guarantees for the women to enjoy equal rights and obligations at home. Now a new way of life is taking hold in the majority of homes marked by respect and affection between the husband and wife, care and support of the old, proper upbringing and education of the children and the sharing of household chores between husband and wife. So despite the relatively low living standards, Chinese families are on the whole happy, content and harmonious.

In China, the socialist system, the Constitution and the existing national laws provide a reliable guarantee for the elimination of all forms of discrimination against women in all fields. Our Government has made tremendous efforts to create favourable conditions for the realization of sex equality. In the past 34 years since the founding of New China, the female population have played a substantial role in our national development and earned the recognition of the whole society. And in the process, the women themselves have become aware of their own strength. The Chinese people speak highly of women as "half the sky". However, cases of discrimination, maltreatment

or even physical abuse of women do still occur. The reasons are manifold. China's economic and educational level is relatively low; the vestiges of the feudal idea of male superiority, which prevailed in China for several thousand years, are still in evidence in China; the legal system and the moral standards undermined during the ten years of turmoil between 1966 and 1976 have not yet been fully restored; the influence of the decadent aspects of bourgeois ideologies have found their way to China following the government's policy of opening up communications with foreign countries; and additionally, there are still shortcomings in our work.

Here are some examples. In rural areas, some parents are reluctant to send their daughters to school and the drop-out rate for girl pupils in the primary schools is rather high. As a result, women who had some schooling before, became illiterates again. In enrolling new students, some institutes of higher learning have raised the admission marks for female candidates in disregard of government rules forbidding such practices. In employment and the training women cadres, some government agencies and enterprises find various excuses for not taking in women. Some departments would promote men rather than women even if the latter have equal competence and the same achievements.

In marriage and family relations, cases of arranged or mercenary marriages and unlawful infringement of the rights and interests of women and children have occurred in some places. Such cases cannot be tolerated under our socialist system, and they have aroused the attention and concern of the Government and the society at large. Our Government has taken various measures to curb and crack down on such evils, so as to protect the legitimate rights and interests of women and children.

First, a powerful nation-wide publicity campaign has been organized to break down the feudal ideas and customs upholding male superiority. The campaign educates the public at the same

time about the legal system, especially about the legislations protecting the legitimate rights and interests of women and children, exposes and condemns the discrimination, maltreatment, humiliation or even persecution of women and children; and motivates the whole society to fight such evil practices. For those severe cases which violate the law, the juidicial organs will invoke sanctions against criminal offences. Secondly, we take a positive approach in both spritual and material aspects, by further raising the status of women in all spheres of life -- political, economic, cultural and domestic, and expanding various social support services for the special interests of women and children.

With upholding the legitimate rights and interests of women and children as their objective, the women's federations at various levels have done a lot to educate the women population at large to have enterprising spirit, study hard, overcome difficulties, raise their scientific and cultural levels and dare to combat the lingering feudal ideas. Meanwhile, the women's federations carry out in-depth investigations, remains sensitive to women's voices, opinions and needs and bring them to the attention of the government and the society. Legal advisory services will be set up in women's federations at the provincial and county levels. Using law as a weapon, they will assist the judicial organs to redress the wrongs done to women. Our Government will continue to strive for the elimination of all forms of discrimination against women and the full realization of equality between the sexes.

The Constitution of the People's Republic of China.
Adopted on December 4, 1982 by the Fifth National People's Congress of the People's Republic of China at its Fifth Session

The Marriage Law of the People's Republic of China.
Adopted by the Fifth National People's Congress at its Third Session on September 10, 1980

Hygienic and Sanitary Standards for Industrial Enterprises
Approved by the Ministry of Public Health, State Capital Construction Commission, State Planning Commission, State Economic Commission and the State Bureau of Labor on November 1, 1979

Common Program — Adopted by the First National Congress of the Chinese People's Political Consultative Conference in September, 1949. It was tantamount to a provisional Constitution.

The Criminal Code — Adopted on July 1, 1979 by the Fifth National People's Congress of the People's Republic of China at its Second Session